

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN PABLO CHAVEZ,

Plaintiff,

v.

JOHN/JANE DOE 1-9; SGT. FINNEY,
#3281, 3271; BRC "THE BOULEVARD";
THE MOUNT SINAI HOSPITAL; ADT
RECOMMENDER; THE 730 PSYCHS;
AMERICAN RED CROSS; DHS OFFICE OF
THE OMBUDSMAN,

Defendants.

USDC-SDNY
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19-CV-4109 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Pending before the Court is Defendants' motion for summary judgment. In their motion, Defendants argue, among other things, that summary judgment should be granted on Plaintiff's claims of false arrest, false imprisonment, and malicious prosecution. However, Defendants do not appear to address Plaintiff's claim that his possessions were searched and seized in violation of the Fourth Amendment—a claim that appears to be distinct from his claims that challenge the legality of his arrest. *See* Amended Complaint at 13 (asserting that Defendants "searched and seized Plaintiff's violin case, his manuscript papers, copyright form VA, and person/wallet without reason/cause").

By no later than February 11, 2022, Defendants shall file a letter brief stating their position as to whether summary judgment should be entered on this claim. Defendants are further advised that because Plaintiff's Amended Complaint was sworn to under penalty of perjury, the Court may treat it as an affidavit for purposes of summary judgment to the extent it meets the other requirements of Federal Rule of Civil Procedure 56(c). *See Gayle v. Gonyea*, 313 F.3d 677, 682 (2d Cir. 2002); *Neal v. Wilson*, No. 15-cv-2822 (RA), 2017 WL 4129635, at *7 (S.D.N.Y. Sept. 15, 2017); Fed. R. Civ. P. 56(c)(4). If Plaintiff seeks to respond to any of the arguments raised in Defendants' letter brief, he shall do so by no later than March 4, 2022.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff at the following three addresses:

151 1st Avenue #270, New York, NY 10003
1 Brookdale Plaza, Brooklyn, NY 11212
2402 Atlantic Avenue, Brooklyn, NY 11233

SO ORDERED.

Dated: January 28, 2022
New York, New York



RONNIE ABRAMS
United States District Judge